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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/524,959	07/22/2005	Thomas Juestel	PHDE020192US	3623

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS
595 MINER ROAD
CLEVELAND, OH 44143

EXAMINER

ELEY, JESSICA L

ART UNIT	PAPER NUMBER
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2884

MAIL DATE	DELIVERY MODE
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11/01/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/524,959

Applicant(s)

JUESTEL ET AL.

Examiner

Jessica L. Eley

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--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 03 October 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 1-20.

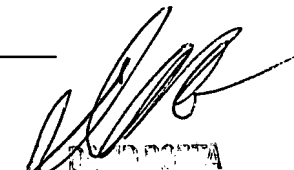
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.


SUPERVISOR/INTERVIEWER
TRANSPORTATION

DETAILED ACTION

Response to Arguments

Applicant's arguments filed 10/03/2007 have been fully considered but they are not persuasive.

Applicant argues that the disclosure of van Eijk teaches photodiodes being used with conventional scintillators but not with the Pr^{3+} scintillator as required by the claim. It is held that the disclosure teaches the various light sensors including photodiodes in an inclusive manner.

The emission wavelengths are based on the need to match the sensitivity curves of the various light sensors, i.e. photomultiplier tubes (PMs) with glass or quartz windows, or silicon photodiodes. The 180 nm value for the PLM is anticipating on the fast UV response of cross luminescence scintillators. It should be pointed out that wire chambers and gas-filled microstrip chambers with TMAE or CsI photocathodes are sensitive for wavelengths $\lambda < 200$ nm.

The mention of gas filled microstrip chambers is not to the exclusion of other light sensors, but merely lists another possible device that addresses the problem of matching the sensitivity curve of a detector with the emission wavelength. Thus Van Eijk renders the use of the Pr^{3+} scintillator with a photodiode obvious as evidenced by the initial list of detectors in the above citation.

Furthermore a person of ordinary skill in the art using a photodiode with the Pr^{3+} scintillator taught by van Eijk, would be motivated by the teachings to match the sensitivity curves of the photodiode with the emission wavelengths of the scintillator. In an instance where the photodiode in use has a maximum sensitivity in the visible range such a practitioner is motivated to have a color converting layer to convert the output of the Pr^{3+} scintillator which is emitting at 230-380 nm (Table 2, van Eijk) to a color matching the sensitivity of the photodiode. Thus it would be obvious to use the color converter taught by Boerner with the scintillator and photodiode taught by van Eijk.

Finally in response to applicant's arguments concerning the materials taught in Boerner as not being obvious alternative's to the materials taught in van Eijk, it is respectfully maintained that a person of ordinary skill in the art at the time the invention was made would be motivated to use the materials disclosed in

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Boerner as the scintillator taught by van Eijk as a person with ordinary skill has good reason to pursue the known options within his or her technical grasp. Since the properties of these materials are known and can be predicted it would have been obvious to make the Pr^{3+} scintillator taught by van Eijk out of the material taught by Boerner.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jessica L. Eley whose telephone number is (571) 272-9793. The examiner can normally be reached on Monday - Thursday 8:00-6:30 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dave Porta can be reached on (571) 272-2444. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JLE